



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 5, 2023

BY ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Dexter Washington, 23 Cr. 31 (LGS)

Dear Judge Schofield:

The Government writes in response to the Court's April 4, 2023 Order, which directed the Government to provide Chambers with a copy of the defendant's medical records and to file a letter informing the Court of the BOP's medical plan now that it has received the defendant's medical records. (*See* ECF No. 35). Additionally, the Government requests the exclusion of Speedy Trial Act time through the date of the rescheduled status conference in this matter.

Earlier today, the Government provided Chambers with the medical records that defense counsel submitted to the MDC. The Government also provided Chambers with medical records showing the defendant's treatment since his incarceration at the MDC (and separately provided those records to defense counsel).

MDC Legal confirmed that it provided the defendant's medical records to its clinical director, Dr. Bruce Bialor, and that Dr. Bialor had reviewed the records. MDC Legal further informed the Government that MDC medical staff intends to proceed with the treatment plan outlined in the Government's April 3, 2023 letter, that is: (i) a colonoscopy, which has been scheduled for late April; (ii) a second visit to an ENT specialist for a biopsy, which has not yet been scheduled but that MDC Legal anticipates will be scheduled to occur within the next 60 days, and (iii) an appointment with an oncologist, depending on the results of (i) and (ii). MDC Legal also informed the Government that it was in the process of scheduling the defendant for a CT scan of his lungs, but that, based on MDC medical staff's review of the defendant's records regarding past imaging of his lungs, MDC medical staff believed that the CT scan was less urgent than the colonoscopy and ENT biopsy visit.

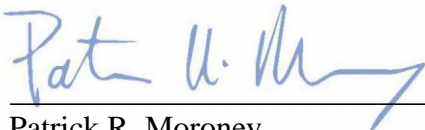
The Government will submit an additional status letter on April 28, 2023.

Finally, because the Court adjourned the next status conference in this matter from May 2 to May 8, 2023, the Government respectfully requests the exclusion of time under the Speedy Trial

Act, 18 U.S.C. §§ 3161(h)(7)(A), through May 8, 2023. The exclusion of time will allow defense counsel to continue reviewing discovery and to prepare motions, and for the parties to continue discussions about a potential pretrial resolution. Accordingly, the ends of justice served by excluding time outweigh the interests of the public and defendant in a speedy trial. Defense counsel has informed the Government that he does not object to the exclusion of time.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

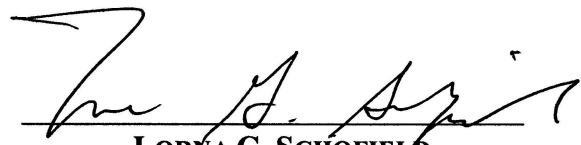
by: 
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cc (by ECF): B. Alan Seidler, Esq.

Application Granted in part. By **April 28, 2023**, the Government shall file a status letter regarding (i) the status of Defendant's colonoscopy, which has been scheduled for late April 2023; (ii) confirming that Defendant's second visit to an ENT specialist for a biopsy has been scheduled to take place on or before June 9, 2023; (iii) confirming that consistent with Defendant's medical prognosis, as acknowledged in the BOP's medical records, an appointment has been scheduled with an oncologist and urologist for a biopsy in June 2023; and confirming that an appointment has been scheduled for Defendant to receive a CT scan of his lungs.

The Court finds that the ends of justice served by excluding the time between May 2, 2023, and May 8, 2023, outweigh the best interests of the public and the Defendant in a speedy trial as provided in 18 U.S.C. § 3161(h)(7)(A) because the exclusion will allow defense counsel, who has recently been retained, to continue reviewing discovery, prepare motions, and for the parties to continue discussions about a potential pretrial resolution. It is hereby ORDERED that the time between May 2, 2023, and May 8, 2023, is excluded. The Clerk of the Court is directed to terminate the letter motion at docket number 36.

Dated: April 10, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE